

copolymer and a second cyclodextrin copolymer which has been oxidized, pharmaceutical compositions thereof, and a method of treatment wherein the instant compound is administered, pharmaceutical compositions thereof, classified in Class 536, subclass 105 and Class 514, subclass 58;

Group III: claim 35, drawn to a method of making a linear cyclodextrin copolymer by reduction of an oxidized cyclodextrin copolymer which lacks a co-monomer "A" which can be reduced, classified in Class 536, subclass 124;

Group IV: claim 36, drawn to a method of making a linear oxidized cyclodextrin copolymer by further oxidation of a partially oxidized cyclodextrin copolymer, classified in Class 536, subclass 124;

Group V: claims 38-41, drawn to a method of making an oxidized linear copolymer of cyclodextrin by di-iodination of an oxidized cyclodextrin monomer and then copolymerizing same with co-monomer "A", classified in Class 536, subclass 124; and

Group VI: claims 42-43, drawn to a method of making a crosslinked cyclodextrin copolymer by reaction of a cyclodextrin monomer in the presence of a crosslinking agent, classified in Class 536, subclass 106.

Citing MPEP §§ 806.04 and 808.01 for support, the Examiner considers Inventions I and II, Inventions I and III, Inventions I and IV, Inventions I and V, Inventions I and VI, Inventions II and III, Inventions II and IV, Inventions II and V, Inventions II and VI, Inventions III and IV, Inventions III and V, Inventions III and VI, Inventions IV and V, Inventions IV and VI, and Inventions V and VI each as unrelated since it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. Furthermore, the Examiner considers the inventions as distinct since they have acquired a separate status in the art as shown by their different classifications and because of their recognized divergent subject matter. Lastly, the Examiner considers the inventions as distinct since the search for Inventions I, II and VI is not required for

Inventions II, IV or V. Accordingly, the Examiner considers the restriction requirement proper for examination purposes.

In view of the Restriction Requirement, Applicants provisionally elect, with traverse, to proceed with the claims of Group I, claims 1-18, 24-34, 37 and 44 in this application.

Applicants respectfully traverse this restriction requirement for the following reason.

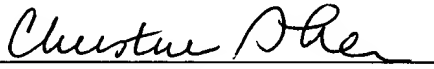
MPEP § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required.

Accordingly, the Examiner must meet both requirements. Here, the Examiner has not shown there would be a serious burden if restriction was not required. The Examiner indicates that: Groups III, IV, and V would require the same search in Class 536 and subclass 124; Groups I, II and VI would require a search in the same Class 536; and Groups I and II would require a search in the same Class 514 and subclass 58. Since the Examiner has indicated by classification that the same search would be performed for several of the claims groups, there does not appear, on its face, to be a serious burden on the Examiner. Therefore, the restriction requirement is improper. Applicants respectfully request the requirement be withdrawn.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,

Date: May 22, 2000


Christine S. Lee
Registration No. 42,788

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036-5869
(202) 467-7000